

REMARKS

The final Office Action of March 20, 2007, has been carefully reviewed and these remarks are responsive thereto. Applicant notes that the undersigned is new counsel of record pursuant to the Power of Attorney filed herewith. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-7, 11-17, and 21-27 remain pending upon entry of the present paper.

Applicant wishes to thank the Examiner for indicating the allowable subject matter with respect to claims 2, 12 and 22.

Oath/Declaration

The Office Action indicates that Applicant's declaration is defective. Per Applicant's undersigned representative's discussion with the Examiner, Applicant has submitted herewith an Application Data Sheet identifying the correct filing date of the provisional application from which the present application claims benefit. Thus, this objection is respectfully traversed.

Rejections Under 35 U.S.C. § 103

Claims 1, 4, 11, 14, 21 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,047,550 B1 to Yasukawa et al. (hereinafter referred to as "Yasukawa") in view of U.S. Patent No. 6,463,428 B1 to Lee et al. (hereinafter referred to as "Lee"). Applicant respectfully traverses this rejection for at least the following reasons.

Independent claim 1 recites, *inter alia*, "progressively modifying a non-textual attribute associated with the object by an incremental amount for each of *at least more than two times that the object is selected*." The Office Action, at page 3, concedes that Yasukawa does not explicitly disclose progressively modifying a non-textual attribute *associated with the object*. Lee fails to overcome these deficiencies of Yasukawa. Lee at col. 8, lines 4-56 and Fig. 4 describes searching a programming guide based on criteria represented as a group of strings (e.g. Genre string 155). Lee at col. 8, line 49-50 discloses that a selected string may be navigated by simply using a vertical cursor key 232. Even assuming, as the Office Action contends at page 4, that the bead size is changed as the bead gets closer to the centered position, the change in bead size

(e.g., the alleged non-textual attribute) is not responsive to an amount for each of at least more than two times that the bead size (e.g., the alleged object) *is selected* as recited in claim 1. Notably, Lee at col. 8, lines 4-27 discloses what happens when an object is selected. More specifically, Lee at col. 8, lines 4-27 describes that when a bead (e.g., Movies bead 165) is selected, the bead is moved from its corresponding string (e.g., Genre string 155) to selection bin 140. Moreover, the movement of a bead in Lee from a string to selection bin 140 happens upon (the first) selection. Thus, Lee fails to teach or suggest progressively modifying a non-textual attribute associated with the object by an incremental amount for each of *at least more than two times* that the object is selected, because the modification (e.g., the movement of the bead from the string to the selection bin 140) takes place after the first instance of selection. The Office Action further asserts that the “progressive changes” in a visible characteristic of the attribute may be interpreted as the “rolling” of the beads in Lee. However, Applicant respectfully notes that the changing of the position of a bead is not for each of at least more than two times that the *bead is selected*. That is, Lee does not teach or suggest that the position attribute of the bead changes when the bead is selected, much less that the position is changed for each of at least more than two times that the bead is selected. Thus, notwithstanding whether the combination of Yasukawa and Lee is proper, the combination fails to result in at least these features of claim 1. Claim 1 is therefore allowable for at least these reasons.

Independent claims 11 and 21 recite features similar to those described above with respect to claim 1. Thus, claims 11 and 21 are allowable for at least the same reasons discussed above with respect to claim 1.

Dependent claims 4, 14, and 24, which each depend from at least one of allowable independent claims 1, 11, and 21, are allowable for at least the same reasons as their respective base claims, and further in view of the additional advantageous features recited therein.

Claims 3, 13, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yasukawa, Lee and in further view of U.S. Patent No. 5,793,438 to Bedard (hereinafter referred to as “Bedard”). Applicants respectfully traverse this rejection for at least the following reasons.

Notwithstanding whether any combination of Bedard, Yasukawa, and Lee is proper, Bedard fails to overcome the aforementioned deficiencies of Yasukawa and Lee with respect to claims 1, 11, and 21. Thus, claims 3, 13, and 23, which each depend from at least one of claims

1, 11 and 21, are allowable for at least the same reasons as their respective base claims, and further in view of the additional advantageous features recited therein.

Claims 5-7, 15-17, and 25-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yasukawa, Lee and further in view of U.S. Patent No. 6,678,891 to Wilcox et al. (hereinafter referred to as "Wilcox"). Applicants respectfully traverse this rejection for at least the following reasons.

Notwithstanding whether any combination of Wilcox, Yasukawa, and Lee is proper, Wilcox fails to cure the aforementioned deficiencies of Yasukawa and Lee with respect to claims 1, 11, and 21. Thus, claims 5-7, 15-17, and 25-27, which each depend from at least one of claims 1, 11 and 21, are allowable for at least the same reasons as their respective base claims, and further in view of the additional advantageous features recited therein.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. Applicant looks forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: August 20, 2007

By: /Chunhsi Andy Mu/
Chunhsi Andy Mu
Reg. No. 58,216

1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005-4051
Phone: (202) 824-3000
Fax: (202) 824-3001